

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

TRAVIS NELSON,

Plaintiff,

v.

**U.S. CORRECTIONS LLC and
CHRISTOPHER S. FREIN,**

Defendants.

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No. 1:21-cv-01178

JURY DEMAND

NOTICE OF REMOVAL

Without submitting to the jurisdiction of this Court and without waiving any available defenses, including, without limitation, lack of jurisdiction, improper venue, the statute of limitations, insufficient process, or insufficient service of process, the Defendants, US Corrections, LLC (“US Corrections”) and Christopher S. Frein (“Frein”) (collective “Defendants”), by and through undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby file this Notice of Removal of the above-referenced action to the United States District Court for the Western District of Tennessee, Eastern Division, from the Circuit Court of Obion County, Tennessee where the action is now pending, and as grounds for said removal, state as follows:

1. This action is being removed pursuant to 28 U.S.C. §§ 1441 and 1446. Upon information and belief, this removal is filed prior to or within 30 days of service of the defendants. Removal is therefore timely.

2. This case is a civil action for damages arising from a collision that occurred in Obion County, Tennessee. The United States District Court for the Western District of Tennessee, Eastern Division has jurisdiction by virtue of the diversity of citizenship among the parties.

3. At the time of the commencement of this action in state court, and since that time, Plaintiff was and is a citizen and resident of the State of Michigan.

4. At the time of the commencement of this action in state court, and since that time, Frein was and is a citizen and resident of the State of Missouri. Frein's citizenship is therefore diverse from that of Plaintiff.

5. At the time of the commencement of this action in state court, and since that time, US Corrections was and is a limited liability company organized under the laws of the State of North Carolina. Nevertheless, US Corrections' citizenship is immaterial for purposes of determining diversity jurisdiction because it is not a properly joined party, as the statute of limitations bars Plaintiff's claims against US Corrections. The diversity requirement of 28 U.S.C. § 1332(a) is satisfied in this case.

6. Plaintiff seeks to recover \$750,000 of damages in this case. This Court may therefore exercise jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. § 1332(a).

7. A copy of all pleadings and orders served upon Defendants are filed with this Notice and attached hereto as Exhibit 1.

8. Defendants will give written notice of the filing of this Notice as required by 28 U.S.C. § 1446(d).

9. A copy of this Notice will be filed with the Clerk of the Circuit Court of Obion County, Tennessee as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants request that this action proceed in this Court as an action properly removed to it.

Respectfully submitted,

CARR ALLISON

BY: /s/ Sean W. Martin
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CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2021, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Troy B. Jones
Law Offices of Troy B. Jones
P.O. Box 2308
Knoxville, TN 37901

CARR ALLISON

BY: /s/ Sean W. Martin
SEAN W. MARTIN, BPR #020870
MICHAEL J. PETHERICK, BPR #036155